

## **MINUTES**

### **MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON EDUCATION AND CULTURAL RESOURCES**

**Call to Order:** By **CHAIRMAN BILL GLASER**, on April 6, 2001 at 3:33 P.M., in Room 405 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Bill Glaser, Chairman (R)  
Sen. Jack Wells, Vice Chairman (R)  
Sen. Dale Berry (R)  
Sen. John C. Bohlinger (R)  
Sen. Edward Butcher (R)  
Sen. Jon Ellingson (D)  
Sen. Jim Elliott (D)  
Sen. Alvin Ellis Jr. (R)  
Sen. Don Ryan (D)  
Sen. Debbie Shea (D)  
Sen. Mike Sprague (R)  
Sen. Mignon Waterman (D)

**Members Excused:** Sen. John Cobb (R)  
Sen. Sam Kitzenberg (R)

**Members Absent:** None.

**Staff Present:** Linda Ashworth, Committee Secretary  
Eddy McClure, Legislative Branch

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted:  
Executive Action: HB 625

#### **EXECUTIVE ACTION ON HB 625**

**Motion:** SEN. GLASER moved that HB 625 BE CONCURRED IN.

**Discussion:**

**Eddy McClure** explained the amendment (**HB062503.aem**), **EXHIBIT**(eds78a01) proposed by **SEN. MIGNON WATERMAN**. **Ms. McClure** reported the amendment would add a parent to the interim study on education funding. It would allow private donations for consulting services and funding travel to conferences. The donations could not underwrite the study. The amendment would also change the appointment times contingent upon passage and approval.

**CHAIRMAN GLASER** noticed that the amendment would include a larger appropriation than the original bill. **SEN. JIM ELLIOTT** suggested that the committee review the **CHAIRMAN'S** amendment before taking action on the **WATERMAN** amendment.

**CHAIRMAN GLASER** distributed amendment (**HB062515.aem**), **EXHIBIT**(eds78a02) for the perusal of the committee. **SEN. ELLIOTT** purported the amendment would strike the text of the original bill. **CHAIRMAN GLASER** agreed to the assessment.

**SEN. ELLIOTT** questioned whether the bill's sponsor had been consulted on the proposed amendment. **CHAIRMAN GLASER** indicated that the bill's sponsor knew that the committee had been in consultation with the Executive Branch. He contended that the sponsor would be interested in a study that would be funded and moved through the process.

**SEN. ELLIOTT** suggested that the sponsor address the proposed amendment. **CHAIRMAN GLASER** explained that the Governor would appoint a committee with a funding source of \$10,000. The results would be reported to a select committee of the legislature that would analyze the data. The legislature would draft legislation deemed pertinent by the committee.

**REP. JOHN MUSGROVE** articulated that he had not had time to analyze the amendment, noting that it seemed extensively different than the original bill. He questioned whether the executive branch would have enough expertise in education to compile the information into a study that could be utilized. **CHAIRMAN GLASER** assumed Governor Martz would appoint a group of citizens, which would include people from the Office of Public Instruction.

**REP. MUSGROVE** questioned whether **Jeff Hindoien** would be a part of the study. **CHAIRMAN GLASER** pointed to **Loran Frazier**, stating his presumption that he would be the person the governor would listen to.

**CHAIRMAN GLASER** maintained the amendment was created by a group of people, including the Executive Branch. He held that **Mr. Swysgood** would insure the funding for the study. **REP. MUSGROVE** encouraged the committee to coordinate the Governor's Office with the Office of Public Instruction. He argued that the statutory process should originate in the Office of Public Instruction. He surmised the amendment would eradicate the Office of Public Instruction from the process, except as an ancillary position.

**SEN. ED BUTCHER** postulated that his amendment would be more extensive. He commented that one of the problems in the education process was that studies were done with an "inbred" group. He argued that the original bill would allow the study to be controlled by people in education. He debated that people from "outside the box" would look at the education process in a creative manner. He contended the study would move to the legislature without having the outside people looking at the issues. **SEN. BUTCHER** professed the problem with education would lie with many aspects within the educational structures, not just the funding situation. He contended the amendment would allow the study to remain outside of the "inside cliché". He insisted that an "inside cliché" which would spin their wheels during the interim, trying to develop solutions.

**REP. MUSGROVE** felt the need to give credence to the professionalism that most educators bring to the profession. He disagreed with the idea of providing the same credibility to outside sources. He suggested the committee look to other states that have changed their funding formulas, reasoning that other states had developed successful funding formulas.

**SEN. DEBBIE SHEA** wondered if **REP. MUSGROVE** had addressed the missing component in the amendment. She agreed that outside sources should be included in the study, but not at the expense of eliminating the education community. **REP. MUSGROVE** agreed the study should be a joint, equal partnership between the executive branch and the Office of Public Instruction.

**SEN. MIKE SPRAGUE** referred to page 2, line 4, maintaining the passage included language to insure the joint partnership between the executive branch and the Office of Public Instruction. He felt the amendment would not exclude anyone from the process. **REP. MUSGROVE** shared his concern that the language would specify that the Office of Public Instruction would be in a consulting role, rather than the role of equal partner.

**CHAIRMAN GLASER** hypothesized the committee could consist of people such as, **Madalyn Quinlan, Kathy Fabiano, Jim Standards, Loran Frazier**, and an additional person from the education field.

He suggested the aforementioned group would assimilate the information and report to the Governor. He surmised that the bill would not be funded as currently written.

**SEN. SHEA** queried whether the funding would be a problem with **CHAIRMAN GLASER'S** amendment. **CHAIRMAN GLASER** explained that the funding for the bill, as amended, would be available. He advised that **SEN. WATERMAN'S** amendment would address the issue of private funding.

**SEN. ALVIN ELLIS** argued the opposite view of **REP. MUSGROVE**. He reiterated his disdain with accreditation standards, claiming the standards were developed by the education community. He affirmed his belief that accountability should be addressed in HB 625. He asserted that the committee should be a mix of educators and non-educators instead of people inside the clique. **SEN. SHEA** agreed, contending that the Office of Public Instruction should be a major entity on the committee.

**CHAIRMAN GLASER** recounted that nothing should occur involving education without significant input from the Office of Public Instruction, particularly **Madalyn Quinlan**.

**SEN. ELLIOTT** asked for clarification regarding the problem with the language in HB 625. He suggested that there would not be funding for the study unless **(HB062515.aem)** would pass. **CHAIRMAN GLASER** responded that he was not the author of the amendment. He maintained he was carrying it to the committee.

**SEN. ELLIOTT** wondered who authored the amendment. **CHAIRMAN GLASER** informed the committee that the amendment was developed at the request of members of the governor's staff and several members of the legislature.

**SEN. ELLIOTT** questioned the objection to HB 625, as written, surmising that someone did not like the bill. **SEN. BUTCHER** indicated HB 625 would be too narrow to bring forth the results needed in the next session of the legislature to deal with the issues regarding education. He stated his opposition to HB 625, arguing that the education members would dominate the study.

**SEN. SHEA** asked **Linda McCullouch** if she had discussed the study with the Governor. **Ms. McCullouch** recounted that she had heard about the amendment as she left the Governor's Office, earlier in the day. She maintained that **Jeff Hindoien** knew nothing about the proposed changes to the bill.

**SEN. SHEA** wondered if **Linda McCullough** had developed a positive working relationship with the Governor. **Ms. McCullough** declared that it had never been her intention to appoint "insiders" to the interim study. She professed that her intentions had been to find people that were not the usual players in education.

**SEN. SPRAGUE** wondered if she would feel excluded from the process with the passage of the amendment. **Linda McCullough** defended her views, stating that she was elected to be Superintendent of Public Instruction, which meant it would be her job and responsibility to lead such a committee. She declared that the bill had been presented to the committee as a clean bill without being muddled by personal views and politics.

**SEN. SPRAGUE** wondered if the language on page 2, line 4 would be sufficient to be inclusive. **Ms. McCullough** surmised that input from a consultant would not necessarily be used.

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**SEN. SHEA** inferred that the governor and Superintendent of Public Instruction should maintain a positive working relationship. She suggested inserting the words, "the Governor and Superintendent shall...". **Ms. McCullough** indicated that she met on a regular basis with the Governor to discuss issues in education.

**SEN. BUTCHER** suspected that the recommendations of the study would have to have the support of the education committee, since the educational community could shut down anything that would emerge from the study. He contended the amendment would provide the Governor and the Legislature the chance to look at things from a broader prospective.

**SEN. ELLIOTT** requested information on the other proposed amendments. **CHAIRMAN GLASER** related that portions of **SEN. WATERMAN'S** amendment (**HB062503.aem**) would be very valuable.

**SEN. ELLIOTT** wondered if **SEN. WATERMAN'S** amendments would change existing language in the bill. **Eddye McClure** explained the parent appointee would be appointed by the State Parent Teacher Association. Amendment number five would allow donations that would be in a state special revenue account and could only be used for consulting services or to send a member to a committee approved conference. Amendment number six would reinstate the appropriation amount of \$40,000. The change in the effective date would allow time for members of the committee to be certified with the Legislative Services Office, prior to the July 1<sup>st</sup> appointment by the Governor.

**SEN. BUTCHER** submitted amendment **(HB062405.aem)** , **EXHIBIT(eds78a03)** for consideration by the committee. He instructed the committee that the amendment would change the appointments to include more members outside the field of education. He asserted that the study would not be meaningful if the committee were tied to the field of education. He included other core issues in the area of education as part of the study.

**SEN. ELLIOTT** queried whether **SEN. BUTCHER** would withdraw his amendment in favor of **CHAIRMAN GLASER'S**. **SEN. BUTCHER** stated his belief that **CHAIRMAN GLASER'S** amendment would be a good compromise.

**SEN. SHEA** testified to the importance of the passage of HB 625. She offered a friendly amendment that would include, "the Governor and the Office of Public Instruction will determine...". She contended the two entities would work well together. **CHAIRMAN GLASER** maintained the study should have one lead person which would be the Governor.

**SEN. SPRAGUE** suggested that the segment should state, "the Governor, in conjunction with...", which would allow the Governor's Office to be the agency that would be responsible for the committee's findings. **SEN. ELLIOTT** argued that traditionally the chairman of a committee would report the findings to the public. He suggested that the **CHAIRMAN'S** amendments would allow the Executive Branch to become stronger than the legislature. **SEN. ELLIOTT** objected to the way the procedure was followed in the committee, reasoning that amending the bill in its entirety should have been referred to the sponsor for consideration.

**SEN. ELLIS** reiterated that education studies had been conducted in the past. He criticized the standards used in conducting the studies. **SEN. ELLIS** avowed support for **(HB062515.aem)** contending that the study must be accountable to all people in the state of Montana.

**Motion:** **SEN. ELLIS** moved that **HB 625 BE AMENDED (HB062515.aem)** .

**Discussion:**

**SEN. DON RYAN** requested the committee focus on the crux of the bill which should be the funding formula for schools in the state of Montana. He warned that additions to the study would detract from the important issue of school funding. He begged the committee to keep politics away from the issue of school funding.

**SEN. SPRAGUE** questioned if the bill would stand on its own merits. **CHAIRMAN GLASER** indicated the bill would die in its current form.

**Substitute Motion/Vote:** **SEN. ELLIOTT** made a substitute motion that **HB 625 BE AMENDED (HB062503.aem)**. **Substitute motion failed 6-7 with Cobb, Ellingson, Elliott, Ryan, Shea, and Waterman voting aye.**

**Substitute Motion:** **SEN. SHEA** moved that **AMENDMENT (HB062515.aem) BE AMENDED TO "INCLUDE A PARTNERSHIP BETWEEN THE GOVERNOR'S OFFICE AND THE SUPERINTENDENT OF PUBLIC INSTRUCTION"**.

**Discussion:**

**SEN. BUTCHER** wondered who would be in charge. **CHAIRMAN GLASER** articulated that one entity would be in charge of the success or the failure of the study. He affirmed that an equal partnership between the two entities would not be a problem.

**SEN. BUTCHER** questioned whether it would be the Governor's committee in co-operation with the Superintendent of Public Instruction. **Eddye McClure** clarified that section one stated, "the Governor shall conduct a study". She maintained that the language would allow the Governor to decide how the study would be completed.

**SEN. BUTCHER** suggested the language should read, "in conjunction with". **CHAIRMAN GLASER** suggested Governor and the Superintendent of Public Instruction would conduct the study in partnership. The Governor would report the study, which would allow the funding to be provided to the Executive Office.

**SEN. SHEA** contended she would be comfortable with both entities working together on the process, with the Governor in charge of publishing the study. **CHAIRMAN GLASER** proclaimed his intention of moving the process forward.

**Eddye McClure** clarified the phrase, "the Governor and the Superintendent of Public Instruction shall conduct a study", on page one. Page two would instruct the Governor to prepare the preliminary report and appoint the advisory committee. **SEN. SHEA** insisted the report would include input from the Superintendent of Public Instruction.

**Vote:** **SEN. SHEA'S** motion that **AMENDMENT (HB062515.aem) BE AMENDED TO INCLUDE A PARTNERSHIP BETWEEN THE GOVERNOR'S OFFICE AND THE**

**SUPERINTENDENT OF PUBLIC INSTRUCTION passed 12-1 with Wells voting no.**

**Substitute Motion: SEN. ELLIS** made a substitute motion that **AMENDMENT (HB062515.AEM) BE AMENDED, "TO STRIKE ITEM 3, SECTION B AND INSERT DETERMINING WAYS TO PROVIDE MORE ACCOUNTABILITY OF OUR EDUCATIONAL SYSTEM AND DESIGN LEGISLATION TO ACCOMMODATE TERRITORIAL TRANSFERS BETWEEN DISTRICTS".**

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**Discussion:**

**SEN. RYAN** stated his fears that the amendment could kill the entire bill when the bill would return to the House. **SEN. ELLIS** reminded the committee that a conference committee could address the issue.

**SEN. BUTCHER moved to SEGREGATE THE SECOND AMENDMENT.**

**DISCUSSION:**

**CHAIRMAN GLASER** clarified that the first motion would delete the section dealing with the statewide salary schedule for schools.

**SEN. ELLIS** surmised that situations would exist across the state that would not be conducive to a statewide teacher's schedule. He maintained it was easier for larger schools to obtain teachers than smaller isolated schools. **CHAIRMAN GLASER** cited his belief in the collective bargaining system. He asserted that a statewide collective bargaining system would not serve the needs of the state.

**Vote: SEN. BUTCHER'S** motion to vote on the **SEGREGATED MOTION WHICH WOULD STRIKE THE STATEWIDE SALARY SCHEDULE FOR SCHOOLS** failed 6-7 with Butcher, Ellis, Shea, Sprague, Wells, and Glaser voting aye.

**Vote: SEN. ELLIS'S** Motion to **AMEND AMENDMENT (HB062515.aem) TO "DETERMINE WAYS TO PROVIDE MORE ACCOUNTABILITY IN OUR EDUCATIONAL SYSTEM",** passed 11-2 with Elliot and Ryan voting no.

**Eddy McClure** asked **SEN. ELLIS** if he wished to make a motion to allow a study of territory transfers. **SEN. ELLIS** responded that HJ 41 had passed the house, which would study the transfer of territories between school districts.



**SEN. DALE BERRY** reminded the committee that the amendment should be voted on before amendments were added to it.

**Substitute Motion/Vote:** **SEN. ELLIS** moved that **THE AMENDMENT (HB062515.aem) BE AMENDED TO ADD SECTION H WHICH WOULD DEVISE LEGISLATION THAT WOULD STUDY TERRITORIAL TRANSFERS BETWEEN SCHOOL DISTRICTS.** Motion carried 11-2 with Ryan and Waterman voting no.

**Vote:** **SEN. ELLIS'** motion that **HB 625 BE AMENDED (HB062515.aem)** passed 11-2 with Elliot and Waterman voting no.

**CHAIRMAN GLASER** suggested inserting the proposal from the **WATERMAN** amendment (**HB062503.aem**) that would allow donations to be obtained for the operation of the study.

**SEN. SPRAGUE** indicated that donations would restrict the workings of the committee. **Eddye McClure** explained that the money would end up in the Governor's study. She explained that the original purpose of the amendment would have ensured that a private donation could not underwrite the study.

**SEN. BUTCHER** suggested allowing the money to be used for any purpose. **Eddye McClure** reminded the committee that **SEN. WATERMAN** had originally drafted the amendment with the restrictive language.

**Motion/Vote:** **SEN. BUTCHER** moved that **HB 625 BE AMENDED TO "ALLOW THE GOVERNOR'S OFFICE TO ACCEPT PRIVATE CONTRIBUTIONS TO CONDUCT THE STUDY"s.** Motion carried unanimously.

**Vote:** **SEN. GLASER'S** motion that **HB 625 BE CONCURRED IN AS AMENDED** carried 11-2 with Elliott and Waterman voting no.

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**EXHIBIT** (eds78a04)

**ADJOURNMENT**

Adjournment: 5:05 P.M.

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SEN. BILL GLASER, Chairman

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LINDA ASHWORTH, Secretary

BG/LA

**EXHIBIT (eds78aad)**